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## THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Tsien et al. Art Unit: 2877  
Application No.: 10/643,304 Examiner: Smith, Zandra V  
Filed: August 18, 2003  
Title: DETECTOR AND SCREENING DEVICE FOR ION CHANNELS

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### TERMINAL DISCLAIMER

Sir:

The undersigned, attorney of record for Petitioner, AURORA BIOSCIENCES CORPORATION, with its place of business at 11010 Torreyana Road, San Diego, California 92121, represents that Petitioner is the Assignee of all interest in Application No. 10/643,304 filed August 18, 2003, entitled DETECTOR AND SCREENING DEVICE FOR ION CHANNELS, which claims priority from U.S. Patent Application 09/118,728 which issued as U.S. Patent 6,608,721 by the United States Patent and Trademark Office and as U.S. Patent No. 6,349,160.

The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Assignee.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <b>May 9, 2005</b> , in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.	
<u>Lisa E. Jambeau</u> (Name of Person Mailing Paper)	
<u>Lisa E. Jambeau</u> (Signature) <span style="float: right;">May 9, 2005 (Date)</span>	

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Attorney Docket No.: AURO1140-2

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, AURORA DISCOVERY, INC., disclaims the terminal part of any patent granted on the above-identified Application No. 10/643,304 that would extend beyond the expiration date of U.S. Patent No. 6,349,160. Petitioner hereby agrees that any patent so granted on the above-identified application No. 10/643,304 shall be enforceable only for and during such period that said patent and U.S. Patent No. 6,349,160 are commonly owned, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantees, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Enclosed is Check No. 577609 in the amount of \$130.00 for the Terminal Disclaimer fee. The Commissioner is hereby authorized to charge for any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 07-1896.

Respectfully submitted,



Date: May 9, 2005

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